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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,684	11/25/2003	Donald Banks	CISCP348/8110	8948

22434   7590   12/19/2006
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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<table>
<tr>
<td rowspan="2">Office Action Summary</td>
<td>Application No.
10/723,684</td>
<td>Applicant(s)
BANKS ET AL.</td>
<td></td>
</tr>
<tr>
<td>Examiner
John Chavis</td>
<td>Art Unit
2193</td>
<td></td>
</tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>25 November 2003</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-46</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>25 November 2003</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/9/05, 12/9/04</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 43-44 recites the limitation "third list". There is insufficient antecedent basis for this limitation in the claim.

Drawings

3.   New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings provided are informal with numerous handwritten notations. For example, see figs. 1-5. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments

Act of 2002 do not apply when the reference is a U.S. patent resulting directly or

indirectly from an international application filed before November 29, 2000. Therefore,

the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the

amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5.   Claims 1-19 and 21-46 are rejected under 35 U.S.C. 102(e) as being anticipated

by Carini et al. (6,636,873).

We claim:	Carini
1. A method of maintaining configuration synchronization, the method comprising:	See the title and the abstract.
a) dynamically determining a first set of commands having a first syntax supported by a first image of an Active unit but not supported by a second image of a Standby unit; and	See the mapping feature in the first two lines of the abstract, which dynamically determine in order to enable the mapping feature. Note also that Carini allows for "real time synchronization" (dynamically determining, col. 3 lines 3-5) to enable dynamic responses to changing conditions (col. 1 lines 47-52.)
b) transforming at least a first portion of the first set of commands into first transformed commands having a second syntax supported by the second image on the Standby unit.	See the transforming feature in the last three sentences of the abstract. The mobile units (see fig. 5 items MD1-MD5) function as the standby units. Items MD1-MD5 are considered stand by units since they are for field/remote use.
2. The method of claim 1, wherein the second syntax is a lower-level syntax.	See col. 3 lines 12-30, which indicates that the second syntax (transformed syntax) is a subset of the initial syntax that is transformed for pagers, thin clients, etc. that have less storage space and inherently less processing power than a standard database or a laptop, see col. 8 lines 10-21.
3. The method of claim 1, wherein the	See col. 3 lines 31-48.

transforming step is performed by the
Active unit.

4. The method of claim 1, further comprising: c) determining a second portion of the first set of commands that cannot be transformed into the second syntax.	See col. 8 lines 18-21 and lines 60-65.
5. The method of claim 1, further comprising: d) determining whether commands of the second portion need to be synchronized to the Standby unit.	See the filtering feature in Carini's claim 8.
6. The method of claim 1, wherein step b) is performed in multiple parts, each part involving a transformation between successive transformation sub unit, see levels.	This feature is considered inherent via the filtering feature above in order to enable checking to determine if certain information is to be transformed for the Carini's claims 33-35. Also, note that Carini provides for updates (multiple parts), claim 20.
7. The method of claim 1, wherein step a) comprises: determining a second set of possible commands for the first image; determining a third set of possible commands for the second image; and comparing the second set to the third set to determine the first set.	This feature is considered provided by the filtering and selective limiting features in claims 33-34.
8. The method of claim 1, further comprising determining a Standby diff list of commands supported by the second image but not by the first image.	" " " "
9. The method of claim 1, further comprising the step of synchronizing the first transformed commands to the Standby unit.	" " " "

As per claims 10-13, 28-30, 37-39, 46, see the rejections of claims 1-3 and note that Carini's transformations are bi-directional, col. 4 lines 32-48.

The features of claims 14, 17, 19, 41, 45 are taught via claim 1.

In reference to claim 15, see the rejection of claim 2.

See claim 4 in reference to claim 16.

As per claim 18, see the rejections of claim 5.

The features of claims 21-27 are taught via claims 1-7.

In reference to claim 31, 40, see the rejection of claim 6.

See claim 7 in reference to claim 42.

The third list in claims 43-44 is considered to be the differences generated by compatibility differences in units and is considered the information utilized for mapping and transforming above.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carini as applied to claim 18 above, and further in view of the applicants choice of providing rules to improve conversion processing speed. The features of claims 20 are considered a choice of design to monitor the network for problems that may arise (see col. 6 lines 14-25 and establish rules when compatibility issues exist (for example, when transferring

data to different types of units (such as from a database to a mobile device) to reduce

the amount of network traffic generated (for example, see col. 6 lines 14-25). Therefore,

it would have been obvious to a person having ordinary skill in the art at the time of the

invention to provide the feature in Carini's system for the same reasons of improving

performance.

8.   Claims 1, 10, 14, 17, 19, 28, 37, 41, 45 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Evans (5,317,722) and further in view of providing compatibility

between two units (instead of one) that operate on different platforms.

Evans is regarded as one of the closest prior art references to the claims listed

above. It discloses in the original wording of independent claim 1 (reference to the

closest prior art is made in parentheses; the original wording of the claim is set in italic

font; features not explicitly disclosed in the prior art are underlined.

A method of maintaining configuration synchronization (implicit, col. 1, line 58-60,

"...to dynamically adapt multiple versions..."; enables the unit to execute the up-to-

date versions of opcodes, thereby synchronising it), *the method comprising:*

a) *dynamically determining* (col. 1, line 58-60, "...to dynamically adapt multiple

versions...") *a first set of commands having a first syntax supported by a first image of*

an Active <u>first unit</u> *but not supported by a second image of a Standby unit and*

b) *transforming at least a first portion of the first set of commands into first*

transformed commands having a second syntax supported by the second image on

the Standby second unit (col. 2, line 2-5, "...Each version of the command can then

be transformed...into a format acceptable...").

The difference between Evans and the subject-matter of claim 1 is that the units to be

synchronised are part of a redundancy single unit configuration.

The objective technical problem to be solved by the present invention may

therefore be regarded as providing program compatibility for redundant systems with

different instruction sets.

The solution claims cannot be considered as non obvious since the generic

method of Evans is applied to a specific configuration case, namely a

redundancy configuration and it would have been obvious to a person having ordinary

skill in the art to provide the same type of conversion process for enabling

communication between multiple units operating different versions of an operating

system to provide compatibility between the systems. Evans discloses that the opcode

transformation is performed in order to automatically adapt applications to different

platforms (col. 1, line 17-25, "When a decision is made by a computer manufacturer to

switch to a new operating system to take advantage of better hardware, better usability,

new standards, etc., it is crucial that customers using the old operating system be able

to run their application programs on the new operating system...One way to solve this

software compatibility problem is to use conversion programs..."), thus achieving that

the services provided by these heterogenous computing units are synchronised.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to utilize Evans transforming feature in units having different configurations to enable compatibility between the systems.

Claims 10, 14, 17, 19, 28, 37, 41, and 45 are rejected for the same reasons as claim 1.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

John Chavis
Primary Examiner AU-2193